

AMENDED IN ASSEMBLY APRIL 4, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1245

Introduced by Assembly Member Alquist

February 23, 2001

An act to add ~~Article 8.5 (commencing with Section 87850) to Chapter 3 of Part 51 of Section 87482.9~~ to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as amended, Alquist. Community colleges: ~~full-time tenured positions~~ temporary employees.

Existing

(1) Existing law requires establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges to adopt regulations that establish minimum standards regarding the percentage of hours of credit instruction to be taught by full-time instructors, and authorizes the provision of instruction by community college districts throughout the state. Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee.

This bill would require the board of governors to create an evaluation tool and strategy for creating more full-time tenured positions. The bill would require the evaluation tool and strategy to be formulated and guided by an advisory committee, with membership prescribed by the

~~bill. The bill would authorize the board of governors to adopt regulations to implement these provisions and to implement these provisions in the manner it determines appropriate based on the availability of state funding provide that any person employed as a temporary employee, and any part-time faculty member whose teaching assignment exceeds 20% of the equivalent of a minimum full-time teaching assignment, and who has received satisfactory job performance reviews, shall have the right to earn and retain annual reappointment rights, as negotiated, based on the order of employment date, subject to specified prior rights of regular and contract employees. By imposing additional duties on community college districts, this bill would constitute a state-mandated local program.~~

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to accomplish~~
 2 *SECTION 1. Section 87482.9 is added to the Education Code,*
 3 *to read:*
 4 *87482.9. Notwithstanding Section 87482 or any other*
 5 *provision of law:*
 6 *(a) (1) Any person employed as a temporary employee*
 7 *pursuant to Section 87482.5, and any part-time faculty member*
 8 *whose teaching assignment exceeds 20 percent of the equivalent*
 9 *of a minimum full-time teaching assignment, and who has received*
 10 *satisfactory job performance reviews, shall have the right to earn*
 11 *and retain annual reappointment rights, as negotiated, based on*
 12 *the order of employment date.*

(2) *The right to earn and retain annual reappointment rights granted by this subdivision is subject to both of the following:*

(A) *The prior right of regular and contract employees subjected to a reduction in force pursuant to Section 87743.*

(B) *The prior right of regular and contract employees of the community college district established in this code or in an agreement entered into pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.*

(b) *As used in this section, “order of employment date” refers to the date on which the person first rendered paid service as temporary faculty under this section with no break in service.*

(c) *This section does not preclude the implementation of any agreement entered into pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code that is in effect on January 1, 2001. To the extent that an agreement conflicts with this section, the agreement shall prevail.*

SEC. 2. *Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.*

~~all of the following:~~

~~(a) Increase student success, improve academic quality, ensure diversity and program integrity by creating full-time tenured positions that meet the dual need of improving system outcomes and meeting the system need for flexibility.~~

~~(b) Explore increasing the number of full-time tenured faculty by evaluating mechanisms of having part-time temporary faculty achieve full-time status.~~

~~(c) Create a systemwide evaluation tool and advisory panel that will define and inform a long-term strategy for these issues.~~

~~(d) Ensure academic freedom and bridge the responsibility, pay, and benefit gaps that exist between full-time and part-time faculty.~~

~~SEC. 2. Article 8.5 (commencing with Section 87850) is added to Chapter 3 of Part 51 of the Education Code, to read:~~

1 Article 8.5.—Increasing Full-time Tenured Faculty

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3 87850.—The Board of Governors of the California Community
4 Colleges shall create an evaluation tool and strategy for creating
5 more full-time tenured positions. The evaluation tool and strategy
6 shall be used for determining improved system outcomes as a
7 function of creating full-time tenured faculty positions.

8 87851. (a) The evaluation tool and strategy shall be
9 formulated and guided by an advisory committee operating in
10 concert with the community college system consultation process
11 as described in subdivision (b) of Section 70901.

12 (b) The advisory committee includes representatives of the
13 Academic Senate for California Community Colleges; the
14 California Student Association of Community Colleges/Student
15 Senate; other major state faculty organizations, including
16 organizations representing part-time faculty; and the human
17 resources, chief executive officers, and community college trustee
18 organizations on the Community College Consultation Council.

19 (c) The board of governors may adopt regulations to
20 implement this article.

21 (d) The board of governors may implement this article in the
22 manner it determines appropriate based on the availability of state
23 funding.
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